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9 The Malpaso Company, Inc., Warner Bros.  
Distributing Inc., Warner Bros. Home  
10 Entertainment Inc., Warner Communications  
11 Inc., TW UK Holdings Inc., Robert Lorenz,  
Michele Weisler, and Randy Brown  
12

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 GOLD GLOVE PRODUCTIONS,  
16 LLC, a California Limited Liability  
Company and RYAN A. BROOKS, an  
17 individual,

18 Plaintiffs,

19 v.

20 DON HANDFIELD, an individual,  
TRESSA DIFIGLIA HANDFIELD, an  
21 individual, RANDY BROWN, an  
individual, MICHELE WEISLER, an  
22 individual, CHARLES FERRARO, an  
individual, JAY COHEN, an individual,  
23 ROBERT LORENZ, an individual,  
UNITED TALENT AGENCY, INC., a  
24 California corporation, THE GERSH  
AGENCY, a California corporation,  
25 WARNER BROS. PICTURES INC., a  
Delaware corporation, MALPASO  
26 PRODUCTIONS, LTD., a California  
corporation, WARNER BROS.  
27 DISTRIBUTING INC., a Delaware  
corporation, WARNER BROS. HOME  
28 ENTERTAINMENT INC., a Delaware

Case No. CV13-07247-DSF (RZx)

**DECLARATION OF ASHLEY  
PEARSON IN SUPPORT OF THE  
WARNER DEFENDANTS'  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT;  
STATEMENT OF GENUINE  
ISSUES AND RESPONSE TO  
PLAINTIFFS' CONCLUSIONS OF  
LAW; OBJECTION TO EVIDENCE  
IN PLAINTIFFS' STATEMENT OF  
UNCONTROVERTED FACTS;  
CROSS-MOTION FOR SUMMARY  
JUDGMENT; MOTION TO  
STRIKE PLAINTIFFS' ASSERTED  
"EXPERT" TESTIMONY; AND  
REQUEST FOR JUDICIAL  
NOTICE**

The Hon. Dale S. Fischer

1 corporation, WARNER BROS.  
2 DOMESTIC TELEVISION  
3 DISTRIBUTION, INC., a Delaware  
4 corporation, TW UK HOLDINGS,  
INC., a Delaware corporation, and  
DOES 1-10, inclusive

Defendants.

**Hearing Date:** February 24, 2014  
**Hearing Time:** 1:30 p.m.  
**Courtroom:** 840

**DECLARATION OF ASHLEY PEARSON**

I, Ashley Pearson, do hereby declare:

1. I am an attorney at law, licensed to practice before in the State of California. I am an associate at O'Melveny & Myers LLP, counsel of record for Defendants Warner Bros. Studio Enterprises Inc., Warner Bros. Distributing Inc., Warner Bros. Home Entertainment Inc., Warner Communications Inc., TW UK Holdings Inc., The Malpaso Company, Inc., Randy Brown, Michele Weisler, and Robert Lorenz (collectively, the "Warner Defendants"), in this case.<sup>1</sup> I make this declaration in support of the Warner Defendants' Opposition to Plaintiffs' Motion For Partial Summary Judgment And Cross-Motion For Summary Judgment, the Warner Defendants' Motion to Strike Plaintiffs' Asserted "Expert" Testimony, and the Warner Defendants' Request For Judicial Notice. I have personal knowledge of the facts set forth below.

2. Attached hereto as Appendix 1 is a chart comparing the plots of the movie *Trouble with the Curve* ("TWTC") and the 2008 version of the script entitled *Omaha* that Plaintiffs submitted with their Motion for Partial Summary Judgment.

3. Attached hereto as Exhibits B-E are true and correct copies of documents that I sent by email to Plaintiffs' counsel on December 18, 2013 (a true and correct copy of the email chain is attached hereto as Exhibit A). These documents consist of two notebooks with Mr. Brown's hand-written notes relating to TWTC, some of which are dated in 1997 and 1998 (Exs. B and C); a faxed document titled "TROUBLE WITH THE CURVE Discussion Points," dated "11/14/97," and bearing fax header of "NOV-14-97"(Ex. D); and a copy of a script titled "Trouble with the Curve," dated "3/98" (Ex. E). Mr. Brown authenticated the 11/14/97 fax, Ex. D, at his deposition on January 3, 2014, and the Warner

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<sup>1</sup> Plaintiffs' complaint erroneously names three of the nine Warner Defendants. It names defendant Warner Bros. Studio Enterprises Inc. as "Warner Bros. Pictures Inc."; Warner Communications Inc. as "Warner Bros. Domestic Television Distribution, Inc."; and The Malpaso Company, Inc. as "Malpaso Productions, Ltd." See Docket Nos. 1; 28; 45 at 2.

1 Defendants will provide a transcript of the relevant testimony as soon as it becomes  
2 available. Plaintiffs did not ask about the remaining documents at the deposition,  
3 but Mr. Brown can and will provide further authentication at the Court's request.

4 4. Attached hereto as Exhibit F is a true and correct copy of an excerpt  
5 from *The Evening World* containing an article titled "Pittsburg's Success in the  
6 Championship Series with Boston Depends on These Men," dated October 2, 1903.

7 5. Attached hereto as Exhibit G is a true and correct copy of an excerpt  
8 from *The San Francisco Call* containing an article titled "New York the Greatest of  
9 All Ball Teams," dated October 15, 1905.

10 6. Attached hereto as Exhibit H is a true and correct copy of an excerpt  
11 from *The Times Dispatch* containing an article titled "Mackmen Triumphant---  
12 Cobb Predicts Four Straight," dated October 21, 1910.

13 7. Attached hereto as Exhibit I is a true and correct copy of an excerpt  
14 from *The Nevada Daily Mail* containing an article titled "Astros fire Tal Smith,"  
15 dated October 28, 1980.

16 8. Attached hereto as Exhibit J is a true and correct copy of an article  
17 from *Newsweek* titled "The Computers of Summer," dated May 23, 1983.

18 9. Attached hereto as Exhibit K is a true and correct copy of an article  
19 from *ComputerWorld* titled "Ball Park Strategy Made Easy With Sabermetric  
20 Predictions," dated June 13, 1983.

21 10. Attached hereto as Exhibit L is a true and correct copy of an article  
22 from *The Chicago Tribune* titled "The Boys of SABR: Baseball's More Than a  
23 Game of Inches," dated June 7, 1987.

24 11. Attached hereto as Exhibit M is a true and correct copy of an article  
25 from *The Sporting News* titled "Pick a Number, Any Number," dated April 1, 1990.

26 12. Attached hereto as Exhibit N is a true and correct copy of an article  
27 from *The Sporting News* titled "SATURATION; Media of the '90s are  
28 Bombarding Baseball Fans With Numbers That Strike Out," dated May 6, 1991.

1        13.        Attached hereto as Exhibit O is a true and correct copy of an article  
2 from *Forbes* titled “Stat’s All, Folks,” dated April 11, 1994.

3        14.        Attached hereto as Exhibit P is a true and correct copy of an article  
4 from the *Denver Post* titled “Matt Sebastian, Project Predicts Baseball Victories 3  
5 at Mines Bettin’ on High-Tech Spin,” dated September 7, 1996.

6        15.        Attached hereto as Exhibit Q is a true and correct copy of an article  
7 from *The Star-Ledger* titled “What was Whitey Ford’s ERA in ’61?,” dated July 28,  
8 1997.

9        16.        Attached hereto as Exhibit R is a true and correct copy of a printout of  
10 a post titled “Monthly Screenwriting Tips - Issue #14” from Richard Walter’s  
11 website, dated September 2011 and available at [http://richardwalter.com/wp-](http://richardwalter.com/wp-content/newsletter/newsletter14_September_2011_v4.html)  
12 [content/newsletter/newsletter14\\_September\\_2011\\_v4.html](http://richardwalter.com/wp-content/newsletter/newsletter14_September_2011_v4.html) (last visited January 7,  
13 2014).

14        17.        Attached hereto as Exhibit S is a true and correct copy of a printout of  
15 a post titled “When Your Expert Witness is a Screenwriter,” by Ron Sandgrund,  
16 from the website for the Denver Bar Association, dated November 2004 and  
17 available at [http://www.denbar.org/docket/doc\\_articles.cfm?ArticleID=3950](http://www.denbar.org/docket/doc_articles.cfm?ArticleID=3950) (last  
18 visited January 7, 2014).

19        18.        Attached hereto as Exhibit T is a true and correct copy of a printout of  
20 a post titled “Baseball Scouting Combine” from the website for the Royal Sports  
21 Group, dated May 10, 2013, and available at [http://royalsportsgroup.info/baseball-](http://royalsportsgroup.info/baseball-scouting-combine/)  
22 [scouting-combine/](http://royalsportsgroup.info/baseball-scouting-combine/) (last visited January 6, 2014).

23        19.        Attached hereto as Exhibit U is a true and correct copy of a printout of  
24 a post titled “UF in Front of Autograph-rules Trend” from the website ESPN.com,  
25 dated August 14, 2013, and available at [http://espn.go.com/college-](http://espn.go.com/college-football/story/_/id/9566383/florida-gators-policy-autographs-dates-1990s)  
26 [football/story/\\_/id/9566383/florida-gators-policy-autographs-dates-1990s](http://espn.go.com/college-football/story/_/id/9566383/florida-gators-policy-autographs-dates-1990s) (last  
27 visited January 6, 2014).

20. Attached hereto as Exhibit V is a true and correct copy of an article from *The Atlantic* titled “How Caring for Aging Parents Affects a Career,” dated September 12, 2013.

21. Attached hereto as Exhibit W is a true and correct copy of an article from the *New York Times* titled “Caring for Aging Parents, Even From a Distance,” dated November 19, 2013.

22. Attached hereto as Exhibit X is a true and correct copy of an excerpt from the transcript of the December 11, 2013 deposition of Jay Cohen.

23. Attached hereto as Exhibit Y is a true and correct copy of an email chain between Mr. Kline and Plaintiffs’ counsel, Gerard Fox, dated December 18, 2013, and attaching the Declaration of Carrie Gadsby (without attachment), dated December 15, 2013.

24. Attached hereto as Exhibit Z is a true and correct copy of an excerpt from the publication titled *The Official EnCE: EnCase Certified Examiner Study Guide, Second Edition*, by Steve Bunting.

25. On December 30, 2013, my colleague Matt Kline sent Plaintiffs’ counsel a Rule 7-3 letter seeking to meet and confer on the Warner Defendants’ cross-motion. A true and correct copy of that letter is attached hereto as Exhibit AA. Plaintiffs’ counsel sent Mr. Kline an email the same day acknowledging receipt of the Rule 7-3 letter, but declining to respond to any of Mr. Kline’s substantive arguments. A true and correct copy of the email chain between Plaintiffs’ counsel and Mr. Kline is attached hereto as Exhibit BB.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct, and that this declaration was executed this 8th day of January 2014 at Los Angeles, California.

/s/ Ashley Pearson  
Ashley Pearson

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## APPENDIX 1

Chart Comparing Plots of *Trouble with the Curve* (“TWTC”) and *Omaha*

Minutes/Pages	Plot Points in <i>TWTC</i>	Plot Points in <i>Omaha</i>
<p>Docket No. 60 (lodged copy of the <i>TWTC</i> DVD) at 0:00-9:19</p> <p>Docket No. 97 (<i>Omaha</i> script) at 0383-92</p>	<ul style="list-style-type: none"> <li>• Opens with a vision of a horse galloping, and Gus starts awake from his nightmare. Gus heads to the bathroom and urinates while cursing under his breath. He walks through his living room, kicks aside his coffee table after bumping into it, and heads to the refrigerator, where he grabs a can of SPAM for breakfast.</li> <li>• Gus sits in the stands at a baseball game with his scout friends. The camera shows the field from his point of view, demonstrating his blurry vision.</li> <li>• Gus and Mickey eat dinner together at a diner. Gus calls Mickey’s yoga “voodoo,” and Mickey leaves when it’s clear that Gus is more interested in the televised baseball game than her.</li> <li>• Pete and Phillip and Auggie, Braves management, talk about Gus’ old fashioned scouting style, and suggest that he “may be ready for pasture” when his contract is up in a few months.</li> <li>• Gus pulls out of garage and hits side of car.</li> <li>• Gus watches a baseball game and his recruit, Clark, has a bad game. Gus talks to Clark after the game, and finds out that he hasn’t seen his family in a while and they can’t afford to visit him. Gus tells Clark he will take care of getting his parents to visit so he can</li> </ul>	<ul style="list-style-type: none"> <li>• Opens with Coach Dodge standing alone on the baseball field at Omaha University. Coach Dodge is on his cellular phone, telling the person on the other end that he’s “screwed” because he “couldn’t start now anyway,” and then angrily slams the phone shut. Jimmy Kincaid, the assistant coach, walks out onto the field. Coach Dodge stares at the rows of the championship banners in the stadium. Coach Dodge is reminded of the fact that his team has not had a post season in almost two decades.</li> <li>• Rod Taylor, an African American player on Coach Dodge’s team, rides his bike to practice. Steve Brady, a “[r]ich, cocky, white” player on the team, and several other teammates drive by in Brady’s Range Rover and purposely splash Rod and his bike with dirty slush. Brady and his teammates tease Rod, and then they all head into the stadium for practice.</li> <li>• Inside the locker room, Rod complains that his new uniform is number 27, and not number 1. Coach Dodge hears this and throws Rod’s new uniform and equipment in the trash, telling him that if their equipment is not good enough, he can get his own. Seeing this incident, another player named Burke laughs. Coach Dodge hears his laughter and kicks Burke out. Coach then makes the team run.</li> </ul>



	<p>spend some time with his family.</p>	<ul style="list-style-type: none"> <li>• Inside the Club House, Athletic Director Martin Beane admonishes Coach Dodge for pushing his players too hard, especially since Omaha University is not a top baseball school. Martin warns the Coach that the Regents might not renew his contract if he keeps up his hardball tactics. Coach Dodge says he will quit after he finishes the year.</li> <li>• Coach Dodge makes the baseball team run around the stadium and down the street. Rod is wearing dress shoes and slacks because Coach threw out his uniform. Rod and Brady race each other and Rod slips on the ice. Coach Dodge then gives Rod a pair of old cleats, telling him he can keep them if he beats Brady. Brady just beats out Rod to the finish, and Coach Dodge appears disappointed.</li> </ul>
<p>Docket No. 60 at 9:19-18:59</p> <p>Docket No. 97 at 0392-405</p>	<ul style="list-style-type: none"> <li>• Pete comes over to Gus' house and they talk about the use of computers in scouting. Gus reads the paper, and Pete tells him about a software program that can calculate a player's stats and tell you whether he's ready for the next level. Gus tells Pete that a computer can never replace real scouting skills. Gus answers the door to collect the pizza delivered to him for breakfast. He mistakenly gives the delivery boy \$50, and jokes that he was just "testing" him when the boy asks if it was on purpose. Pete asks Gus to scout Bo Gentry, and also warns Gus that there have been discussions about not renewing his contract.</li> <li>• Johnny drives a convertible onto a field where kids are playing baseball, and pretends to be an announcer for the game.</li> </ul>	<ul style="list-style-type: none"> <li>• Coach Dodge takes the team to Rosenblatt stadium. He gives a speech about the national title game where he recounts the past excuses for why Omaha University has not won the national title and tells them that none of them are good enough to play for the national championship. After the speech, Coach makes the team run again. Rod helps one of the out-of-shape players, encouraging him throughout the run.</li> <li>• Coach Dodge has the team run again at dusk, and it begins to snow.</li> <li>• Coach Dodge and Jimmy review the team lineups in the Coach's office, over dinner. Jimmy tells Coach Dodge that Martin called him and he asks Coach Dodge if he is leaving. Jimmy tells Coach Dodge</li> </ul>



	<ul style="list-style-type: none"> <li>• Gus visits the doctor, who tells him he has signs of macular degeneration and glaucoma. Gus dismisses the diagnosis saying he doesn't have time to see a specialist and telling the doctor to pretend he never came. Gus goes to a bar for a drink and snaps at another patron, clearly upset about his diagnosis.</li> <li>• Mickey dines at a fancy restaurant with her boyfriend. She talks baseball with a waiter, clearly showing her prowess. Her date is surprised.</li> <li>• Mickey walks into her home and checks her answering machine. There's a message from the partners at her law firm, who tell her that if she wins the case she's working on, she'll make partner. She calls Gus immediately to tell him. He answers gruffly, and discouraged, she hangs up.</li> </ul>	<p>that he will follow wherever he goes, but Coach Dodge says it is time for Jimmy to be on his own.</p> <ul style="list-style-type: none"> <li>• Coach Dodge finds the pair of old cleats he gave Rod outside of his office. The cleats are cleaned, shined, and the laces are tied together.</li> <li>• Coach Dodge sees Rod practicing in the batting cages late at night. They exchange glances.</li> <li>• Coach Dodge goes home, checks his answering machine, and eats a TV dinner. Coach Dodge watches a game tape while drinking scotch. The video goes snowy and abruptly changes to a beach setting, where he sees remnants of a home video featuring his wife, Connie, and daughter, Sandy.</li> <li>• Coach Dodge looks up his daughter's phone number in an old address book. He calls her but the number is disconnected. He rummages through his garage and finds another phone number on one of Sandy's Pro-Rite Sales Catalogs.</li> <li>• Sandy is at home in the kitchen, cooking while also playing Monopoly with her sons Tommy and Brian. The phone rings and Sandy answers the phone, while accidentally dropping Monopoly money on the stove. The money catches on fire, causing the smoke alarm to go off. She is surprised to hear from her father. Coach Dodge makes up a story about Jimmy making a mess and says that he needs two hundred boxes of the laundry detergent that she sells. Sandy says she will bring the detergent to his house over the weekend.</li> </ul>
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		<ul style="list-style-type: none"> <li>• The team has batting practice. Rod is impressing everyone. Brady is unhappy that Rod is the center of attention so he tries to show him up. Coach Dodge ends batting practice, but has Brady stay to practice bunts. Brady does not hit the bunt because the pitch is inside. Coach Dodge then goes up to bat and has the pitcher throw it inside twice. Both times, Coach Dodge allows the ball to hit him, explaining that he just got on base. Coach Dodge yells at Brady, telling him he thinks he is “hot shit” but he cannot lay a bunt. Then Coach Dodge makes the entire team run. Back in the locker room, Jimmy notices two bloody welts where the pitches hit Coach Dodge.</li> </ul>
<p>Docket No. 60 at 18:59-34:36</p> <p>Docket No. 97 at 0405-14</p>	<ul style="list-style-type: none"> <li>• Pete pays Mickey a visit at her office. He conveys his concerns about Gus’ odd behavior, and begs her to accompany Gus on the recruiting trip in North Carolina. She refuses, saying that she has her own life and she’s busy at work.</li> <li>• Gus eats lunch at his wife’s gravesite, and talks out loud to her about how proud he is of Mickey and her career as a lawyer. He admits that he has a hard time talking to Mickey. He whispers the song “You are my Sunshine,” and becomes emotional.</li> <li>• Mickey finds out about Gus’ eyesight loss when she calls his doctor. She drives to Gus’ house to confront him. He’s frying a burger and the kitchen is smoky. Mickey tries to talk to Gus about his illness, and the effect on his career, but he evades her questions, and she storms out of the house.</li> <li>• Gus drives to North Carolina. A picture of his late</li> </ul>	<ul style="list-style-type: none"> <li>• Sandy pulls up to Coach Dodge’s house in a decrepit station wagon. Tommy and Brian get out of the car and Sandy asks them if they remember their grandfather. The boys play baseball, using bats and gloves from Coach Dodge’s garage.</li> <li>• Sandy and Coach Dodge unload the detergent. While Coach Dodge is telling Sandy that he is leaving Omaha next year, their conversation is interrupted by the crash of breaking glass from a window that Brian and Tommy break. Coach Dodge praises them, impressed that they were able to break the window. Sandy is flabbergasted, expecting the boys to be in trouble. Sandy reflects on how she used to get grounded for leaving the lights on. Sandy, Tommy, and Brian get back in the station wagon and go home.</li> <li>• While driving down the street in front of Coach</li> </ul>

	<p>wife is taped on his dashboard. Mickey walks out of her office, assuring her boss that she'll be back in a few days.</p> <ul style="list-style-type: none"> <li>• Gus sits at a high school baseball game with his other scouting friends. Mickey shows up unexpectedly and sits in the stands next to Gus. Bo Gentry bats an impressive hit. Bo's father sells his signed autographs as they walk off the field. Mickey and Gus argue in the parking lot, and tells her to leave.</li> <li>• Johnny approaches Gus in the parking lot, and Gus introduces him to Mickey, who is distracted by her work phone.</li> </ul>	<p>Dodge's house, Sandy sees Jimmy's car. Sandy and Jimmy stop and briefly catch up. Jimmy drives to Coach Dodge's house. He tells Coach Dodge that he should not have assumed that when Coach Dodge leaves, that he would be willing to take Jimmy with him to his next job. Coach Dodge angrily tells Jimmy that he has terminal cancer and is dying. He tells Jimmy that he does not want to talk about it and that Jimmy cannot tell anyone else.</p> <ul style="list-style-type: none"> <li>• Sandy takes Brian and Tommy to McDonald's. Brian and Tommy ask why they do not see their grandfather more often. Sandy says that Coach Dodge lives far away and is busy. Brian says that is the same reason why they do not see their father. Sandy says that both their father and grandfather are busy with baseball and that is why Brian will play music like his Tommy. Brian says he hates music and that his grandfather says he needs baseball coaching. Sandy says he needs to be a little kid and that there is more to life than baseball.</li> <li>• Coach Dodge loads his truck up with landscaping equipment. He drives to Viaduct Field while the baseball team runs behind the truck. The field is covered with trash. Coach Dodge has the players spend the day cleaning up the field, explaining that they will begin practicing there.</li> </ul>
<p>Docket No. 60 at 34:36-48:31 Docket No. 97 at</p>	<ul style="list-style-type: none"> <li>• Gus and his scout friends sit at Boot's Bar drinking beer and teasing one of the guys. Mickey walks in and heads to the pool table. Gus tells her that she shouldn't be in a "place like this," and tries to get her</li> </ul>	<ul style="list-style-type: none"> <li>• Coach Dodge gets home and checks his answering machine. He deletes a message from his doctor's office. He also has a message from Sandy, asking how he liked the laundry detergent. Coach Dodge</li> </ul>

0415-26	<p>to leave. A man named Rick approaches Mickey and plays pool with her. She gets all of the balls in on her first try. Rick makes a move on Mickey and Gus pushes him against a wall and threatens him with a broken bottle. Johnny breaks up the fight, and kisses Mickey to get Rick to leave. Mickey storms out of the bar, angry at both of them for treating her like she can't take care of herself. Gus and Mickey argue in the parking lot, and he tells her again that he doesn't need her there.</p> <ul style="list-style-type: none"> <li>• Back at the hotel, Mickey works on her laptop, and Gus stares in a mirror, having a flashback to Mickey as a child and the horse galloping in the background again.</li> <li>• At a high school game, Gus misses a step as he walks up the stadium stairs and falls. Mickey and Johnny help him up. Mickey helps Gus watch Bo. He gives her tips on what to look for, and she brushes him off because she clearly knows what she's doing. Johnny, who is also scouting at the game, flirts with Mickey and playfully asks her out. She rebuffs his advances, playing hard-to-get.</li> <li>• As they go to leave, Mickey picks up a bat and gives Gus a ball. He pitches to her, and she hits, and runs the bases, laughing and doing cartwheels.</li> <li>• Gus gets in a car accident while he and Mickey are driving away from the field. Mickey gets a call from work threatening her that she has to come back; she refuses.</li> </ul>	<p>has not touched the detergent. He does a load of laundry. When he checks the laundry the next morning, all of his whites have turned hot pink. He tosses a basket of laundry in the front seat of his car and drives to Sandy's apartment in Iowa.</p> <ul style="list-style-type: none"> <li>• When he arrives at Sandy's apartment, Sandy is on the phone with a customer. Coach Dodge shows Sandy the pink laundry and yells into the phone that the customer should not buy what Sandy is selling. They begin to argue, with Coach Dodge telling Sandy that she should not have dropped out of school and Sandy responding that she had to because she was kicked out of the house. Coach Dodge says he kicked her out because she slept with his short stop. Sandy reveals she got a divorce six months ago, and Coach Dodge is stunned. They continue to argue, but as Coach Dodge leaves, Sandy runs out and gives him a bottle of Pro-Rite bleach.</li> <li>• Omaha plays East Iowa State. They are behind, but Rod gets a base hit. When Brady is at bat, Coach Dodge tells him to bunt. Brady pops the ball up and the short stop catches it. Brady angrily sulks off the field, but Coach Dodge admonishes him to show some respect. The next time Brady is up, Coach Dodge again tells him to bunt, but instead Brady hits a home run. The team wins, but Coach Dodge yells at them, telling them they will face more challenging teams and that they will not be able to beat them.</li> <li>• There is a montage showing the team struggling at away games.</li> </ul>
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		<ul style="list-style-type: none"> <li>• Jimmy asks Coach Dodge whether he should leave tickets out for the upcoming Iowa State game. Coach Dodge asks him to do so and then leaves a message for Sandy, letting her know that tickets will be available for her at will call.</li> <li>• During the game, Coach Dodge tells Brady to bunt again. Brady gets out and goes back to the dugout, and throws a tantrum. Coach Dodge runs over to the dugout and starts yelling at Brady and throwing things. The umpire ejects Coach Dodge from the game.</li> <li>• Coach Dodge drives to Sandy's apartment and asks why she did not come to the game. He offers to have her move into her house and pay for her tuition so she can go back to school. Sandy declines his offer. Sandy then goes to her job as a bartender at a sports bar. One of her colleagues tries to convince her to take up her father's offer. While she is at work, she sees the incident at the Iowa State game played on television. Two bar patrons make fun of Coach Dodge and Sandy scolds them.</li> <li>• Sandy calls Coach Dodge from a payphone and agrees to move in with her father. She says there will be conditions, mainly regarding her control over how her sons are raised. She tells him that he cannot turn this arrangement into a "baseball clinic" for her sons.</li> </ul>
<p>Docket No. 60 at 48:31-1:03:26</p> <p>Docket No. 97 at</p>	<ul style="list-style-type: none"> <li>• Gus sits in the Boot's Bar with Johnny, drinking a beer. Gus tells Johnny that his wife died when Mickey was six years old, and that he sent Mickey away when she was fifteen and he knew she wasn't a</li> </ul>	<ul style="list-style-type: none"> <li>• Coach Dodge's team travels to a game at University of Southern California. Brady admires the girls, but a teammate tells him that he should be</li> </ul>

0426-37	<p>kid anymore. Johnny tells Gus that he wants to be a broadcaster.</p> <ul style="list-style-type: none"> <li>• Gus and Mickey watch another of Bo's games, and the camera cuts to another scout watching Gus. That scout reports back to Philip, who is spying on Gus, trying to find a way to force him out.</li> <li>• Mickey's boyfriend calls her while she's working at the motel. He pressures her to answer his marriage proposal; she says she can't answer him yet, and he ends their relationship.</li> <li>• Mickey, Gus, and Johnny are at the Boot's Bar. Gus encourages Mickey and Johnny to go out on a date. Mickey and Johnny go out to a bar, and play a baseball trivia baseball game and take shots together. Other patrons in the bar start clogging (a traditional dance), and they join in. They walk back from the bar, talking about Mickey's relationship with Gus. Mickey tells Johnny she was named after Mickey Mantle, and Johnny tells her that Gus told him once that he had a daughter who was smarter than the both of them combined. Mickey tells him that any man she dates has to be both smart and have a good heart, motioning with her hand over her head and heart. They dance in the street as a musician plays a guitar. Mickey ends the date when she gets a work email.</li> </ul>	<p>paying attention to the pro scouts instead.</p> <ul style="list-style-type: none"> <li>• During the game against USC, Rod calls a ball but Brady catches it instead. They argue about the incident. Omaha is trailing USC. Brady is at bat but he gets out and Omaha loses the game. Brady talks to a scout after game and to some girls. Coach Dodge yells at Brady after the game.</li> <li>• Back at the hotel, Jimmy realizes Brady is not in his room. Coach Dodge makes the team wait in the lobby until Brady returns at 3:05AM, with two blondes.</li> <li>• There is a montage showing Omaha struggling against USC. They lose all three games in the series.</li> <li>• Sandy, Brian, and Tommy move into Coach Dodge's house. Sandy and Coach Dodge argue a bit about the condition of Coach's aging home. Jimmy arrives and helps Sandy and her sons move in. They all have dinner together at Coach Dodge's house. Jimmy gives Sandy and her sons Omaha baseball hats.</li> <li>• Sandy drops Tommy and Brian off at their first day of school at their new school. The boys try to wear their Omaha baseball hats to school.</li> <li>• Sandy has her first day of classes at Omaha University. She runs into Jimmy while she is walking through campus.</li> <li>• Omaha plays Indiana State. Rod and Brady go for the same ball again and collide. They get in an argument afterwards and things get physical. Sam</li> </ul>
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		<p>Hutchens, another player, intervenes and admonishes Brady to start acting like the team captain. Brady goes up to bat and gets out.</p> <ul style="list-style-type: none"> <li>• Coach Dodge calls Rod into his office to tell him he did not fill out his paperwork properly. He tells Rod that he needs to list an emergency contact. Rod responds that he has nobody to list, and Coach Dodge tells him that he should list Coach as his emergency contact.</li> </ul>
<p>Docket No. 60 at 1:03:26-1:13:20</p> <p>Docket No. 97 at 0437-48</p>	<ul style="list-style-type: none"> <li>• Mickey and Gus eat breakfast at a diner. Mickey tries to have an in-depth conversation about why her father sent her away to live with her uncle as a child and then to boarding school, and tells him that she's been going to therapy. Gus refuses to engage, Mickey storms out, and Gus angrily demands the check from the waitress.</li> <li>• Philip tells Pete that he sent another scout to watch Gus, and asks about who the girl is with Gus. Pete tells him that's Gus' daughter. Philip indicates he's trying to push Gus out again.</li> <li>• The other associate competing for partner against Mickey offers his own analysis of her case to the partner. He says it "won't go unnoticed."</li> <li>• Gus and Mickey watch Bo at another game. Gus hears an abnormality in his swing. Mickey watches his next bat closely and confirms that his "hands drift."</li> </ul>	<ul style="list-style-type: none"> <li>• Coach Dodge, Tommy, and Brian eat breakfast while Sandy studies. Coach Dodge offers to babysit so that Sandy can study, but Sandy declines the offer.</li> <li>• Omaha plays Wichita State. Brady tears his ACL, but Omaha wins anyway. After the game, Coach Dodge retreats to his basement. Sandy joins him and they discuss the team's lineup.</li> <li>• Coach Dodge goes to talk to an injured Brady. He tries to tell Brady that he can come back from the injury, but that he will have to work hard. Coach Dodge has Brady talk to Rod, who tells Brady that he too had a serious injury and offers to help Brady come back from his injury.</li> <li>• Sandy works in Coach Dodge's yard, working on the flowerbeds that used to be her mother's.</li> <li>• Burke, a player on Coach Dodge's team, comes back to the team and apologizes to Rod. After practice, Rod and Brady stay after and train together.</li> <li>• Omaha loses to Missouri Tech, one of the worst teams in the league. Coach Dodge yells at the team.</li> </ul>



		<p>He also yells at Brady for just sitting on the bench, asking him why he did not steal any of the other team's signs.</p> <ul style="list-style-type: none"> <li>• Coach Dodge is in pain and has trouble walking around his home.</li> <li>• Sandy and Jimmy have lunch together at Omaha. They talk about Coach Dodge and Jimmy says Sandy and Coach Dodge are more alike than Sandy thinks.</li> <li>• Omaha is trailing during the game. Brady gives Rod a tip. Rod grumbles at first but ends up taking Brady's advice. Rod hits a double and the team wins.</li> <li>• Sandy hangs Tommy and Brian's paintings on Coach Dodge's refrigerator. Sandy tells Coach Dodge that he is their favorite subject, and Coach Dodge offers to babysit the boys the next day. Coach Dodge brings Brian and Tommy to practice the next day, introducing them as his grandkids.</li> </ul>
<p>Docket No. 60 at 1:13:20-1:22:41</p> <p>Docket No. 97 at 0448-58</p>	<ul style="list-style-type: none"> <li>• Mickey presents her work to the partners on the phone. They tell her that they asked the competing associate to take over her case, and imply that she did not make partner.</li> <li>• Mickey and Johnny sit outside the motel, drinking from a bottle of alcohol. She complains about her job. Mickey sings "You are my Sunshine," and tells Johnny that her dad used to sing it to cheer her up. Gus joins the conversation and they talk about Bo. Gus tells Johnny that he told the Braves not to take Bo because he can't hit a curve. Johnny is surprised, but Gus pushes him to take his advice.</li> </ul>	<ul style="list-style-type: none"> <li>• While coaching Carlos, Coach Dodge tells him to have fun, which is the first time the team has heard him use the word "fun." Sandy comes by practice to pick up Tommy and Brian. She tells Coach Dodge that she passed her test. Brian and Tommy stay with Coach Dodge at practice.</li> <li>• Coach Dodge, Brian, and Tommy come back from practice to find that Sandy has made a home cooked meal.</li> <li>• The team gets ready to go on a run. Brady sits in the back of Coach Dodge's pickup truck, explaining that he cannot run, but he can yell. Coach Dodge is</li> </ul>

	<ul style="list-style-type: none"> <li>• Johnny drives Mickey out to a lake, and they sit on the hood of his car talking as the sun sets. Johnny strips off his clothes and jumps in the water. Mickey resists at first but then joins him. They kiss.</li> <li>• Johnny calls the Red Sox and tells them he doesn't think they should recruit Bo based on Gus' advice. They are skeptical, but Johnny convinces them.</li> </ul>	<p>surprised to see him. As the team runs, Brady yells at the team, trying to encourage them.</p> <ul style="list-style-type: none"> <li>• Coach Dodge watches Tommy and Brian while Sandy studies. Tommy is practicing violin, but Coach Dodge convinces him to play baseball instead, using his violin as a bat. Sandy catches them and yells at them. They argue but Sandy allows Coach Dodge to play baseball with her sons, as long as he promises to keep it fun.</li> <li>• Jimmy and Sandy walk together around the Omaha campus. They are attracted to each other.</li> <li>• While the team practices, Brady coaches third base.</li> <li>• Brady and Rod work out together in the weight room.</li> <li>• There is a montage of Omaha winning a series of games.</li> <li>• Coach Dodge takes the baseball team back to the field at Omaha. Rod stays at the baseball field late, practicing in the batting cages. Coach Dodge invites Rod over for Easter.</li> <li>• Jimmy and Sandy work in Coach Dodge's kitchen. They share a moment together. In the meantime, Rod, Coach Dodge, Brian, and Tommy play baseball outside.</li> </ul>
<p>Docket No. 60 at 1:22:41-1:33:17</p> <p>Docket No. 97 at</p>	<ul style="list-style-type: none"> <li>• Philip and others at the Braves nervously office watch the draft on television. They cheer when the Red Sox pass on Bo. Pete tells Philip and Vince not to sign Bo based on Gus' advice. Philip argues for</li> </ul>	<ul style="list-style-type: none"> <li>• Coach Dodge, Sandy, Rod, Jimmy, Tommy, and Brian all have an Easter meal together at Coach Dodge's house. Rod asks why the grandkids do not come to more games, and asks about their father, who</li> </ul>

0458-69	<p>Bo, and Vince takes his advice over Gus'.</p> <ul style="list-style-type: none"> <li>• Johnny drives out of the parking lot of the motel, angrily telling Mickey and Gus that he got fired based on Gus' advice. Gus and Mickey tell him that they told the Braves not to take Bo, but he doesn't believe them. He breaks up with her and speeds away in his convertible.</li> <li>• Gus and Mickey sit outside the motel, and Mickey admits to Gus that she didn't make partner because she came on the recruiting trip with him. He tells her that he wanted more for her than the baseball life, and that's why he kept her out of baseball. She admits that she loves baseball and shunned it only to make him happy. Mickey begs him to talk to her about their past and why he sent her away. Gus tells Mickey that when she was with him on a recruiting trip when she was six years old, she was riding on a horse that was at the stadium, and when Gus looked around he couldn't see her. He found her in a stable with a man attempting to molest her. He beat the man badly until he passed out. Gus explains that sent her to live with her aunt and uncle because he thought she'd be better off there.</li> <li>• Mickey comes to find Gus in his motel room the next day and the maid tells her he left already. She calls Pete, and Pete tells her Gus was willing to retire and take the bonus.</li> </ul>	<p>was Coach Dodge's former player. The conversation is awkward and Sandy and Coach Dodge argue. Rod apologizes for bringing up the awkward topic, but Coach Dodge tells him not to worry.</p> <ul style="list-style-type: none"> <li>• While Sandy is washing the dishes, Coach Dodge goes to talk to her about what happened during Easter. They argue again, and Sandy criticizes the way Coach Dodge treated her mother. Sandy asks him if he loved her mother more than baseball.</li> <li>• When Coach Dodge leaves his office late at night, he hears someone in the batting cages. He assumes it is Rod but is surprised to see Brady. Brady has lost some power, but he is still able to hit.</li> <li>• There is a montage of the team winning a series of games in the NCAA mid-western regional tournament.</li> <li>• Coach Dodge goes home and has dinner with his family. He sees an invitation to Sandy's graduation in her purse. He asks why she did not invite him and she tells him graduation is the same weekend as the Super Regional tournament.</li> <li>• Jimmy notices Coach Dodge struggling to walk up the steps onto the bus.</li> <li>• The team drives to Iowa to face Iowa A&amp;M. They are greeted by a rowdy crowd that throws beer bottles at the bus.</li> <li>• Coach Dodge warns the team that Iowa A&amp;M plays dirty. Brady shares some advice with Rod. The team wins, but Coach Dodge collapses during the</li> </ul>
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		<p>celebration.</p> <ul style="list-style-type: none"> <li>• Coach Dodge is admitted to the hospital. The doctor asks Coach Dodge about chemotherapy. Sandy overhears this, not knowing about her father's cancer. He tells her that he has terminal cancer and that Jimmy is the only other person who knows. Sandy gets mad and storms out. She yells at Jimmy on the way out of the hospital.</li> <li>• Coach Dodge returns from the hospital to find Sandy cooking Tofurkey for dinner. Sandy and Coach Dodge argue over the fact that he still plans to attend the Super Regional, even though the doctors told him not to. Sandy tells him she is moving back to Iowa after graduation.</li> </ul>
<p>Docket No. 60 at 1:33:17-1:42:00</p> <p>Docket No. 97 at 0469-82</p>	<ul style="list-style-type: none"> <li>• Mickey finds two kids playing catch outside of the motel. She notices how well the pitcher, Rigo Sanchez, throws, and closes her eyes to listen to the pitches. Mickey takes over the younger boy's place as catcher and asks him to throw a curve. She finds out the pitcher does not play on a team, and calls Pete about him.</li> <li>• Gus talks to Vince and Philip in their office. They all know about his glaucoma and offer him to take early retirement. He insists that Bo can't hit a curve and tells them he heard it and Mickey saw it.</li> <li>• Pete tells Gus, Philip, and Vince that they have to come down to the field to see a player that Mickey brought. Bo recognizes Rigo as the "peanut boy" from his games, and tells everyone this is a waste of</li> </ul>	<ul style="list-style-type: none"> <li>• Jimmy picks up Coach Dodge to take him to the Super Regional. Tommy wants to go with him. There is a montage of the game against Wichita State. Omaha is trailing and Rod Taylor strikes out, resulting in Omaha loss. Coach Dodge appears tired throughout the game. At the end of the game, he neither makes the team run nor lectures them.</li> <li>• Sandy packs her things. She stumbles upon the unopened, unused boxes of Pro-Rite detergent.</li> <li>• Coach Dodge is at the second round of the Super Regional, but he cannot focus on the game. Sandy arrives at her graduation ceremony but her mind is elsewhere, too.</li> <li>• During the game, Coach Dodge yells at the umpire over a simple call, purposely getting himself ejected</li> </ul>

	<p>his time. Rigo pitches to Bo, and when he pitches curveballs, Bo misses over and over. The scouts recognize that Gus was right about him.</p>	<p>from the game. He shares some words of encouragement with Jimmy before leaving.</p> <ul style="list-style-type: none"> <li>• At the graduation ceremony, Brian sees coach Dodge walk in and runs down the aisle towards him. Tommy goes over to Coach Dodge too and the three sit together. People are surprised to see Coach Dodge there. At the end of the ceremony, they announce that Omaha beat Wichita State. Sandy is surprised and touched to see her father at the ceremony.</li> <li>• Coach Dodge, Sandy, Brian, and Tommy go to the third game of the Omaha-Wichita State series. Brian and Tommy sit with the team in the dugout. Jimmy invites Sandy to come too. The umpire makes a bad call and Coach Dodge is about to yell at him, but he refrains, remembering that his family is watching.</li> <li>• There is a montage of the game. At a pivotal point in the game, Coach Dodge calls time out and waives his entire team in. He gives them a lighthearted talk and makes them laugh. Later in the game, they decide to put Brady in, even though he is injured. Brady gets two strikes and his knee buckles. He gets back up and hits a homerun.</li> </ul>
<p>Docket No. 60 at 1:42:00-1:45:38</p> <p>Docket No. 97 at 0482-500</p>	<ul style="list-style-type: none"> <li>• Philip, Pete, Vince, Gus, and Mickey are in the Braves' office discussing Rigo. Gus suggests that Mickey could be his agent and tells them all she would be great at it. Vince offers to extend Gus' contract, and Gus says he will think about it. Vince fires Philip.</li> <li>• Mickey tells Gus that the other associate's</li> </ul>	<ul style="list-style-type: none"> <li>• Coach Dodge invites the team to his house to celebrate. They fly back to Omaha and are greeted at the airport by fans. During the party at Coach Dodge's house, Jimmy and Sandy share another moment. Coach Dodge walks by and tells Jimmy to kiss Sandy.</li> <li>• Coach Dodge takes Brian and Tommy to K-Mart.</li> </ul>

	<p>presentation did not go well, so her law firm is pushing her partnership forward. He encourages her to go for it, and she says she'll think about it, and then tosses her work phone into a garbage bin.</p> <ul style="list-style-type: none"> <li>• Johnny stands at his car outside the stadium as Mickey and Gus walk out. Johnny calls out a baseball trivia question, and she walks towards him, answering correctly and challenging him, "is that all you've got?" Johnny responds that he's "got a lot more than that," and the two kiss. Gus lights a cigar and walks away saying, "looks like I'll be taking the bus."</li> </ul>	<p>He buys them a Slip n' Slide. They take it home and play in the yard.</p> <ul style="list-style-type: none"> <li>• Hundreds of fans show up to watch the team's batting practice.</li> <li>• Omaha is playing in the College World Series. Rod walks into the locker room at Rosenblatt Stadium and pulls out his jersey. It now has the number one on it. Coach Dodge gives the team a pep talk before the game against USC.</li> <li>• Still injured, Brady goes up to bat and lays a perfect bunt. It sends Taylor home and Brady is able to limp to first base. Omaha goes on to beat top-ranked USC.</li> <li>• Coach Dodge drives home but passes out in his truck, crashing into the garage. He is taken to the hospital. Sandy visits him and talks to his doctor.</li> <li>• Coach Dodge goes to practice the next day and tells the team they need to work on their sliding. He has Brian and Tommy come with the slip n' slide to "demonstrate" sliding.</li> <li>• Omaha loses to Arizona State. This puts them in an elimination round against Texas. After the loss to ASU, the team shows up to Coach Dodge's office, ready to run. Brady drives the truck as the team runs alongside. As the team runs through Omaha, people cheer, waive, and yell.</li> <li>• Coach Dodge and Sandy play catch together in his backyard.</li> <li>• Omaha faces Texas in the elimination round. Coach Dodge is tired and his voice is raspy. The game</li> </ul>
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		<p>goes into extra innings. It comes down to Brady trying to get on base. He is called out and Omaha loses to Texas.</p> <ul style="list-style-type: none"><li>• Coach Dodge talks to the team in the locker room, giving them words of encouragement. The locker room begins to rumble and they realize the crowd is chanting “Omaha!” Coach Dodge leads the team back out onto the field.</li><li>• Two months later, Coach Dodge is in the hospital. He is weak. Sandy tells him that she is going to take him home. Sandy takes Coach Dodge to the Omaha stadium. She wheels him out, along with Brian and Tommy. The entire Omaha team appears on the field, in uniform. Former players in their old uniforms appear too. Sandy tells her father “You won, Dad. You won...” and he cries as he sees “the faces of the lives he touched. His human victories.” The screen fades to black.</li></ul>
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